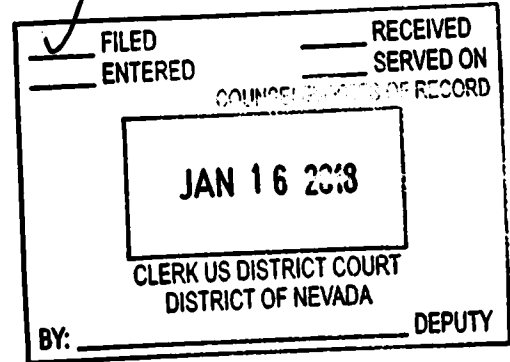


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Stacy Barret, Jay Barth, James Dzurenda,
Dwight Neven, Jason Satterly and
Anthony Warren*



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

John Melnik,

Plaintiff,

vs.

James Dzurenda, et al.,

Defendants.

Case No. 3:16-cv-00670-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE
CONFIDENTIAL EARLY MEDIATION
STATEMENT
(FIRST REQUEST)**

Defendants, Stacy Barret, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly and Anthony Warren, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby move this court for an enlargement of time to file their Confidential Early Mediation Statement.

This motion is based on the following Memorandum of Points and Authorities and the papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. NATURE OF MOTION

Defendants hereby move for an enlargement of time to file their Confidential Early Mediation Statement. Defendants request the time to file their Confidential Early Mediation Statement be enlarged to Wednesday, January 17, 2018 at 4:00 p.m.

1 **II. BRIEF STATEMENT OF THE CASE**

2 This is a prison civil rights action brought by Plaintiff, John Melnik ("Inmate Melnik"), asserting a
3 claim for relief under 42 U.S.C. § 1983, and the Fourteenth Amendment to the U.S. Constitution. (ECF
4 No. 4 at 7). This Court screened Inmate Melnik's complaint on October 4, 2017 and placed this matter
5 into a ninety (90) day stay. *Id.* The Office of the Attorney General is to file a report regarding the results
6 of the ninety (90) day stay on January 2, 2018. *Id.* An Early Mediation Conference ("EMC") is currently
7 scheduled for January 23, 2018 at 2:30 p.m. (ECF No. 7 at 1).

8 **III. LEGAL AUTHORITY**

9 Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court may, for good cause, extend the time in which
10 an act must be done if a request is made before the original time or its extension expires. The proper
11 procedure, when additional time for any purpose is needed, is to present the request for extension of
12 time before the expiration of the time for the brief to be filed. Extensions of time may always be asked
13 for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the
14 Rule.

15 **IV. DISCUSSION**

16 Here, the time to file the Confidential Early Mediation Statement has not expired. Defendants
17 submit that the facts and the argument contained herein constitute good cause to enlarge the time for filing
18 the mediation statement to January 17, 2018 at 4:00 p.m. The undersigned had a family emergency that
19 required her to leave work on Thursday, January 11, 2018. The family emergency prevented the
20 undersigned from finalizing Defendants' Confidential Early Mediation Statement from January 11, 2018
21 through January 15, 2018. Due to the family emergency experienced by the undersigned, Defendants
22 respectfully request this Court enlarge the time to file their Confidential Early Mediation Statement to
23 January 17, 2018 at 4:00 p.m.

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1 V. CONCLUSION

2 Based on the foregoing, Defendants respectfully request this Court enlarge the time to file their
3 Confidential Early Mediation Statement to January 17, 2018 at 4:00 p.m.

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5 DATED this 16th day of January, 2018.

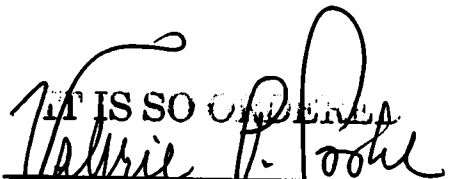
6 ADAM PAUL LAXALT
7 Attorney General

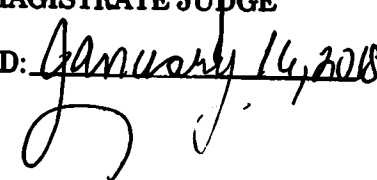
8 By:



9 ERIN L. ALBRIGHT
10 Deputy Attorney General
11 State of Nevada
12 Bureau of Litigation
13 Public Safety Division

14 *Attorneys for Defendant*

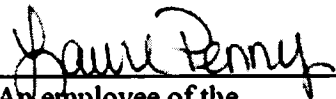
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16 IT IS SO ORDERED
17 U.S. MAGISTRATE JUDGE

18 DATED: January 16, 2018
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 16th day of January, 2018, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE CONFIDENTIAL EARLY MEDIATION STATEMENT (FIRST REQUEST)**, to the following:

JOHN MELNIK #30576
HIGH DESERT STATE PRISON
P O BOX 650
INDIAN SPRINGS NV 89070


An employee of the
Office of the Attorney General